

REMARKS/ARGUMENTS

Applicant previously filed Amendment D in this case on October 22, 2003. All claim amendments are presented relative to the claims as amended in Amendment D. Claims 1 and 38 have been amended to change the transitional phrase "comprising" to "consisting essentially of" and to correct minor grammatical errors. No new matter is entered by any of the claim amendments.

On October 23, 2003, the undersigned received a telephone call from Examiner Garg indicating that he had received and reviewed Amendment D. The Examiner further indicated that claims 1 and 38 as presented in Amendment D would be allowed if those claims were amended to exclude a step of first visiting a website to obtain or learn the location where a physical sign as recited in the claims could be purchased. The Examiner's position was that as presented in Amendment D, the open-ended "comprising" language of claims 1 and 38 would not preclude an additional step in those claims of first visiting a website to obtain the location of a retail store where a physical sign could be purchased, or to be directed to purchase the physical sign.

Accordingly, claims 1 and 38 are now amended such that they are methods "consisting essentially of" the respective method steps in each of these claims, in the recited order. "The transitional phrase 'consisting essentially of' limits the scope of a claim to the specified materials or steps 'and those that do not materially affect the basic and novel characteristic(s)' of the claimed invention." MPEP § 2111.03, quoting *In re Herz*, 537 F.2d 549, 551-52 190 USPQ 461, 463 (CCPA 1976) (emphasis original).

Referring to claim 1, the "basic and novel characteristic" of the invention is that steps (b) and (c) are performed in the recited order, i.e. the seller purchases the physical sign at a retail store, and subsequently logs onto the website. Therefore, the "consisting essentially of" language excludes any additional method steps which would materially affect the order of these two steps. This means that as now presented, claim 1 excludes any method step, prior to step (b), of the seller visiting the website to be directed to the retail store where he purchases the sign in step (b).

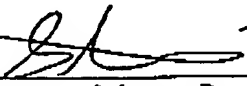
Similarly, the "basic and novel characteristic" of the invention recited in claim 38 is the order of steps (b) and (c) therein; namely selling the physical sign to the seller and then the seller logging onto the website. Therefore, the "consisting essentially of" language in claim 38 now excludes any method step, prior to step (b), of the seller visiting the website to be directed to purchase the physical sign for the same reasons explained above with respect to claim 1.

Based on the above amendments to claims 1 and 38, Examiner Garg agreed during the phone conversation of October 22, 2003 that claims 1 and 38 and all dependencies therefrom would now be allowed. Therefore, a Notice of Allowance is respectfully requested.

If there are any fees required by this submission, please charge the same to our Deposit Account
No. 16-0820, Order No. 32759US1.

Respectfully submitted,
Pearne & Gordon LLP

By:


Steven J. Solomon, Reg. No. 48719

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108

Date: October 29, 2003

**RECEIVED
CENTRAL FAX CENTER**

OCT 29 2003

OFFICIAL